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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,049	01/26/2006	Georges Pilloy	339544US99PCT	2049
22850	7590	02/05/2010		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER LONEY, DONALD J				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
02/05/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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### Office Action Summary

**Application No.**

10/566,049

**Applicant(s)**

PILLOY, GEORGES

**Examiner**

Donald Loney

**Art Unit**

1794

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 14 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 16-26 is/are rejected.
- 7) ☒ Claim(s) 12, 14 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 1, 2009 has been entered.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: In line 5, the term "aerobic" is misspelled. It should be anaerobic as in original claim 13 and the section referred to by the applicant where this language came from (page 3 of the specification). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-10 and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umeda et al (4362771).

Umeda et al teaches a glazing comprising two glass sheets 1a,1b sealed around their periphery, a plurality of spacers 3 there between wherein a liquid substance (liquid crystal polymer) fills the gap there between. Refer to figure 1,2a and 2b. The distance between the glass sheets is 10um (column 2, lines 34-36).The spacers are adhered to the glass sheets and their dispersion can be controlled. The spacers can be a thermosetting (i.e. heat cured) adhesive material (column 4, lines 34-39 and column 5, lines 12-25). Refer to column 2, lines 29-59, column 3, lines 38-62, column 4, lines 24-43, column 6, lines 54-59 and column 7, lines 6-12. Umeda et al does fail to specifically teach the spacers spaced at a distance between 1 and 10 cm per claims 1 and 17.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Umeda et al to space the spaces as recited in order to maintain the gap between the panes and since Umeda et al discloses the spacer's dispersion can be in a controlled manner. With regards to claims 2, 6, 7, 18, 22 and 23, the spacers control the spacing of the gap (column 2, line 16). With regards to claims 3-5, 8, 19-21 and 24, it would have been obvious to form the glazing unit of whatever size is needed for a particular application (i.e. to size the window as desired) since this would merely involve a change in shape and/or size of an already known feature which is generally considered within ordinary skill in the art. See MPEP 2144.04IV. With

regards to claims 9, 10, 17, 25 and 26, wherein the article is a chromatic glazing with a suspension in the gap, the article is a LCD.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Umeda et al as applied to claims 1-10 and 17-26 above, and further in view of Harary et al (6429961).

The primary reference teaches the invention substantially as recited except for the article being a vacuum glazing unit. See the 35 U.S.C. 103 rejection above.

Harary et al discloses one can use heat curable adhesives, in a dot pattern, to bond sheets together for either vacuum glazing units or LCD's (column 5, lines 21-29, column 9, lines 34-64 and column 10, lines 24-26).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Umeda et al to form a glazing unit with the pattern of adhesive dots as taught in Umeda et al therefrom since Harary et al teaches either can be formed using heat cured adhesive dots between glass sheets.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Umeda et al as applied to claims 1-10 and 17-26 above, and further in view of Hornung et al (6662523).

The primary reference teaches the invention substantially as recited except for the adhesive being UV curable. See the 35 U.S.C. 103 rejection above.

Hornung et al discloses the adhesive used to seal, or bond glass sheets, in glazings can be either heat or UV curable. See column 4, lines 59-67.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Umeda et al to use a UV curable adhesive, as is taught by Hornung et al, since this would merely involve substituting one adhesive for another (i.e. heat cured versus UV cured).

***Allowable Subject Matter***

8. Claims 12, 14 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach a process for forming a glazing panel wherein parts of the deposits are applied and allowed to dry then depositing the other parts of the deposits in combination with all the other limitations in claim 12 and 27.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-11 and 17-26 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald J. Loney/  
Primary Examiner  
Art Unit 1794

DJL:D.Loney  
02/01/10